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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,812	01/26/2001	Li-Te Lin	TS00-240	5166
28112 7:	590 03/13/2003			
GEORGE O. SAILE & ASSOCIATES		EXAM	INER	
28 DAVIS AVI POUGHKEEPS	ENUE SIE, NY 12603		VINH, LAN	
			ART UNIT	PAPER NUMBER
			1765	
			DATE MAILED: 03/13/2003	

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Please find below and/or attached an Office communication concerning this application or proceeding.

		IAC	
	Application No.	Applicant(s)	
Advisor Advisor	09/769,812	LIN ET AL.	
Advisory Action	Examiner	Art Unit	
	Lan Vinh	1765	
Th MAILING DATE of this communication ap	ppears n the cover sheet w	ith th corr spond nc address	
THE REPLY FILED FAILS TO PLACE THIS A Therefore, further action by the applicant is required to inal rejection under 37 CFR 1.113 may only be either condition for allowance; (2) a timely filed Notice of Ap Examination (RCE) in compliance with 37 CFR 1.114.	o avoid abandonment of tr :: (1) a timely filed amendr :peal (with appeal fee); or (	nent which places the application in	ed
	REPLY [check either a) or	b)]	
a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this event, however, will the statutory period for reply expire late ONLY CHECK THIS BOX WHEN THE FIRST REPLY W 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The nave been filed is the date for purposes of determining the period of example of the shorter of the shor	Advisory Action, or (2) the date seen than SIX MONTHS from the may AS FILED WITHIN TWO MONTION of the date on which the petition under extension and the corresponding an ened statutory period for reply origine months after the mailing date of the status	AS OF THE FINAL REJECTION. See MPEP 37 CFR 1.136(a) and the appropriate extension fount of the fee. The appropriate extension fee unally set in the final Office action; or (2) as set for the final rejection, even if timely filed, may reduce	fee under orth in
<ol> <li>A Notice of Appeal was filed on Appella 37 CFR 1.192(a), or any extension thereof (37</li> </ol>	ant's Brief must be filed wi CFR 1.191(d)), to avoid d	hin the period set forth in smissal of the appeal.	
<ol><li>The proposed amendment(s) will not be entere</li></ol>	ed because:		
(a) They raise new issues that would require fu	urther consideration and/or	search (see NOTE below);	
(b) they raise the issue of new matter (see No	ote below);		_ 41=
(c) they are not deemed to place the application issues for appeal; and/or			ig tn
(d) they present additional claims without car	nceling a corresponding nu	mber of finally rejected claims.	
<ol> <li>Applicant's reply has overcome the following re</li> </ol>			
4. Newly proposed or amended claim(s) we canceling the non-allowable claim(s).			
5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request application in condition for allowance because	e: <u>See Continuation Sneet</u> .		
6. The affidavit or exhibit will NOT be considered raised by the Examiner in the final rejection.			/
<ol> <li>For purposes of Appeal, the proposed amendr explanation of how the new or amended claim</li> </ol>	ment(s) a)  will not be enns would be rejected is pro	tered or b) will be entered and an vided below or appended.	
The status of the claim(s) is (or will be) as follo			
Claim(s) allowed: <u>11 and 13-18</u> .			
Claim(s) objected to:			
Claim(s) rejected: <u>1,4-10 and 19-29</u> .			
Claim(s) withdrawn from consideration:	<u>-</u>	<b></b>	
8. The proposed drawing correction filed on	is a)□ approved or b)	disapproved by the Examiner.	
	CTO 4440\ Dan	er No(s).	
9. Note the attached Information Disclosure Stat	tement(s)( P10-1449) Pap		

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⊗ontinuation Sheet (PTO-303) 09/769,812

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument filed on 3/3/2003 have been fully considered but they are not persuasive. The argument that there is no suggestion to modify Ye(529) two separate etches/embobiments is not persuasive because the examiner did not suggest modifying Ye(529) two separate embodiments in the previous final office action (paper no.6). It is also argued that Ye(516)does not teach the inventive concept of claim 1 because Ye(516) teaches a etch using "oxygen, nitrogen.....HCL" or mixture thereof by way of example and not by way of limitation". The examiner disagrees because the applicants have not shown that how a mixture of gases by way of example differs from a mixture of gases by way of limitation. Since Ye (516) teaches etching a low k dielectric layer using a mixture of NH3 and oxygen in one of the example, Ye(516) teaching reads on the limitation of "in a first step, etching....at least NH3 gas and flowing CO or oxygen gases" as recited in claim 1. The argument that the combination of references does not suggest a "medium plasma power" as specified in claim 4, this argument does not commensurate with the scope of claim 4 because claim 4 does not recite "a medium plasma power". The applicants further argue that Ngo does not teach a etch step but in contrast teaches a "plasma treatment". Although the examiner recognizes that Ngo teaches a "plasma treatment", however, since Ngo teaches performing the plasma treatment using the same gases (NH3 and N2) as the claimed etching gases and in fig. 2 of Ngo, part of layer 52 is shown being removed after the plasma treatment, Ngo's "plasma treatemnt", as interpreted by the examiner, reads on an etching step using NH3 and N2.

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